

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Fred Wisniewski, a/k/a Captain Rat,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 20,442
	)	
Captain Rat and the Blind Rivets,	)	
	)	
Respondent.	)	

**MOTION TO EXTEND DISCOVERY  
AND TESTIMONY PERIODS  
AND  
TO EXTEND DATE FOR FILING  
AND SERVICE OF DEPOSITION TRANSCRIPTS**

Petitioner, Fred Wisniewski, a/k/a Captain Rat, hereby requests that the discovery and testimony periods be extended sixty (60) days as follows:

Testimony period for party in position of plaintiff to close	January 13, 2006
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	March 12, 2006
Rebuttal testimony period to close (opening fifteen days prior thereto)	April 26, 2006

The extension is requested to allow the parties additional time to complete and execute an agreement resolving this matter.

Petitioner further requests that the deadline for the service and filing of deposition transcripts for the depositions that were completed be extended sixty (60) days to January 17, 2006.

This extension is requested both because the parties have been focusing their attention on settlement and because respondents, whose testimony was taken by petitioner, have not yet



reviewed and signed their deposition transcripts given the parties' focus on settlement.

Respectfully submitted,

SMART & BOSTJANCICH

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Attorneys For Petitioner

### CERTIFICATE OF SERVICE

I, John Bostjancich, hereby certify that a copy of the foregoing Motion To Extend Discovery And Testimony Periods And To Extend Date For Filing And Service Of Deposition Transcripts was served upon Respondent, Captain Rat And The Blind Rivets, 220 W. Main Street, Urbana, Illinois 61801 and Roger L. Prillaman, Prillaman & Moore Ltd., 220 W. Main Street, Urbana, Illinois 61801, by first class mail, postage prepaid, this 14<sup>th</sup> day of November 2005.

John Bostjancich  
Attorneys For Petitioner

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on November 14, 2005.

Date: November 14, 2005

John Bostjancich